UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
---x
TAREEM McDONALD,

Plaintiff,

- v -

CITY OF NEW YORK, et al.,

Defendants.
---x

MEMORANDUM ORDER

CV-13-4529 (ARR)(VVP)

The plaintiff has moved to compel the defendants to provide three categories of information: settlement amounts in prior civil rights lawsuits involving the individual defendants, records regarding post-incident complaints of a similar nature made against the individual defendants, and photographs of the defendants.

As to the settlement amounts sought by the plaintiff, he argues that knowledge of settlement amounts will enable his counsel to make "deeper inquiry" concerning those cases where the defendants were required to pay greater settlement amounts. As an initial matter, the court questions whether information is discoverable under Rule 26 simply because it provides a possible basis for counsel to make decisions about where to focus his investigative efforts. Putting that aside, however, there is simply no necessary correlation between the amount of a settlement in a prior case and the likelihood that the events in that case bear enough resemblance to the instant case to establish their evidentiary significance. Thus, the already highly attenuated (and insufficient) suggestion that the disclosure of settlement amounts could lead to evidence admissible at trial provides no basis whatsoever for concluding that such disclosure is *reasonably* calculated to do so.

As to the post-incident complaints sought by the plaintiff, the defendants have now agreed to provide the information and the plaintiff's motion is therefore moot.

Finally, although the plaintiff offers some authority for the proposition that production of photographs of defendant police officers may be appropriately ordered in some circumstances, he provides no basis for requiring their production here. There does not appear to be a question as to the identities of the police officers involved in the plaintiff's arrest, and the plaintiff offers no other basis for concluding that production of the photographs is reasonably calculated to lead to evidence admissible at trial. The defendants are understandably concerned about having their photographs distributed. Accordingly, in the absence of some reason for doing so, the production of photographs of the defendants must be denied.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
March 24, 2014